

# LOUDOUN COUNTY PLANNING COMMISSION

## ACTION SUMMARY

THURSDAY, OCTOBER 15, 2009

6:00 P.M. PUBLIC HEARING

LOCATION: BOARD ROOM  
Government Center  
1<sup>st</sup> Floor

**Commissioners Present:** Peggy Maio, Chairman, Blue Ridge District; Robert Klancher, Vice-Chairman, Broad Run District; Erin Austin, Catoctin District; Glen Bayless, Sugarland Run District; Sandra Chaloux, Dulles District; Gigi Robinson, Leesburg District; Kevin Ruedisueli, At Large; Helena Syska, Sterling District.

**Commissioner Absent:** Chris Brodrick, Potomac District.

**Staff Present:** John Merrithew, Assistant Director of Planning; Ron Brown, Assistant County Attorney; Michelle Lohr, Marilee Seigfried, Lou Mosurak, George Phillips, Office of Transportation Services; Planners: Judi Birkitt, Stephen Gardner, Jane McCarter; Ginny Rowen, Marchant Schneider; Nancy Bryan, Recording Secretary.

### 1. ZMAP 2007-0004, National Conference Center

#### Disclosures:

- a. Mr. Klancher attended a community meeting to discuss the application; had conversation with the applicant.
- b. Ms. Maio spoke with Robyn Bailey regarding the application.

#### Public Comment:

- Corinne Birladeanu spoke in opposition to the application
- Terry Higgins spoke in opposition to the application
- Michelle Higgins spoke in opposition to the application
- Tom Stegbauer spoke in opposition to the application
- Susan Ellis spoke in opposition to the application
- Sarah Ali spoke in opposition to the application
- Pat Dibari spoke in opposition to the application
- Carla Johnson Calas spoke in opposition to the application
- Erica McCoy spoke in opposition to the application
- Ed Gorski spoke in opposition to the application
- Matthew Johnson spoke in opposition to the application

The Planning Commission forwarded ZMAP 2007-0004, National Conference Center, to a Planning Commission worksession for further discussion. (7-1-1, Chaloux opposed; Brodrick absent).

## **2. ZMAP 2008-0021, Kincora Village Center**

### **Public Comment:**

- Russell Moy spoke in support of the application
- Kim Hart spoke in support of the application
- Ed Gorski spoke in opposition to the application
- Jim Larsen spoke in support of the application
- Patrick White spoke in support of the application
- Lori Kimball commented on the application
- Leo Titus spoke in support of the application
- Tina Dove spoke in support of the application
- Richard Orwig spoke in support of the application
- Mehdi Pahlavani spoke in opposition to the application

The Planning Commission forwarded ZMAP 2008-0021, Kincora Village Center to a Planning Commission worksession for further discussion. (8-0-1, Brodrick absent).

## **3. ZOAM 2007-0004, Proposed Zoning Ordinance Amendment to Permit Farm Markets in Various Zoning Districts and to Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses**

### **Disclosures:**

- a. Ms. Chaloux had a conversation with Doug Johnston of Ticonderoga Farm.

### **Public Comment:**

- Phil LoPresti spoke in opposition to the application
- Will Stewart spoke in support of the application
- Patrick Ryan spoke in support of the application
- Chris Hatch spoke in support of the application
- Dennis Virts spoke in support of the application

A motion was made to forward ZOAM 2007-0004, Proposed Zoning Ordinance Amendment to Permit Farm Markets in Various Zoning Districts and to Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses to the Board of Supervisors with a recommendation of approval of all proposed text amendments including the change to the Staff Report dated October 15, 2009, Page A-18, regarding Section 5-626 (B) Best Management Plan Required for Animal Husbandry Uses, introduced by Commissioner Maio as follows: Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicating the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures from all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed by the Virginia Cooperative Extension Office or other competent authority recognized by Loudoun County to confirm that the Best Management Plan is consistent with generally accepted animal husbandry standards with the exception that the minimum acreage requirements for stables and equestrian facilities subject to Section 5-627 and Section 5-630 remain at five acres.

A substitute motion was made to forward the application to a Planning Commission worksession for further discussion. (8-0-1, Brodrick absent).

#### **4. SPEX 2007-0053, Washington Immanuel Presbyterian Church**

##### **Disclosures:**

- a. Mr. Ruedisueli spoke with the applicant briefly and expressed concerns.
- b. Ms. Robinson had a conversation with Mike Romeo on 10/14/09 to discuss the application.
- c. Ms. Austin had a brief conversation with Mike Romeo.
- d. Ms. Maio had a conversation with Mike Romeo.

##### **Public Comment:**

- Je S. Park spoke in support of the application
- Ed Nelson spoke in support of the application
- Sam Whang spoke in support of the application
- Paul Arnone spoke in support of the application

The Planning Commission forwarded SPEX 2007-0053, Washington Immanuel Presbyterian Church to the Board of Supervisors with a recommendation of denial based on the following findings:

- a. The parcel of land where the Washington Immanuel Presbyterian Church proposes to locate their church does not perk. As a result, neither a conventional nor a non-conventional sewage disposal system is possible on this parcel. Extension of central sewer service is not permitted in the Rural Policy Area except to serve County or town-owned and operated public facilities immediately adjacent to a town or its JLMA.
- b. To allow pump-and-haul as an initial use is not consistent with our Revised General Plan policies. Furthermore, there is no other instance in a rural policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use.
- c. Use of a permanent pump-and-haul as a sole means of sewage disposal is not consistent with our general wastewater policies of the Revised General Plan which specifies such a system should be used only as a last resort in the event of a proven public health emergency. Chapter 2 of our Revised General Plan states that pump-and-haul operations are not permitted in the Rural Policy Area, existing Rural Villages, or the Transition Policy Area except as a last resort and temporary wastewater disposal method to address a proven public health emergency which is, by definition, short-lived and not permanent.
- d. The Health Department has recommended denial of this application as such a system is in conflict with our general wastewater policies of the Revised General Plan.
- e. Pump-and-haul applications are generally reserved for existing occupied structures that have failing or substandard sewage disposal systems and should not be used to establish a new use.
- f. The Virginia Code 15.2-2283 describes the purpose of zoning, and it states that it is to promote health, safety, and general welfare of the public. This proposed application with a permanent pump-and-haul for sewage disposal does not promote health, safety, and general welfare of the public and specifically the surrounding Rural residential community.

- g. The application does not support the Rural Economic Policy #4 which states that such uses in the Rural Area should be compatible in scale, size, and intensity with the primary agricultural use of the Rural environment and will be subject to performance standards.
- h. The applicant is unwilling to agree to the 250 person Condition of Approval proposed by staff.

(5-3-1, Klancher, Maio, Syska opposed; Brodrick absent).

#### **5. SPEX 2009-0004, SPEX 2009-0015, CMPT 2009-0003, Scott Jenkins Memorial Park**

##### **Disclosures:**

- a. Ms. Syska met with Mr. and Mrs. Ellmore and their daughter Renee on 10/10/09 and toured their Garden Center.

##### **Public Comment:**

- Bob Smedile spoke in support of the application
- A. Salman Aziz commented on the application
- Renee Green spoke in opposition to the application
- Ed Gorski commented on the application
- Barbara Ellmore commented on the application
- Harry Ellmore commented on the application
- Renee Tumblin commented on the application
- Andrew Graves commented on the application
- Steve Perkins spoke in support of the application
- Jim Ballentine spoke in support of the application
- David Serley spoke in support of the application
- Dennis Virts spoke in support of the application
- Dr. Joyce Latimer commented on the application
- Chris Hatch commented on the application
- Celeste Alves commented on the application
- Eric Hall spoke in support of the application
- Douglas Walker spoke in support of the application

A motion was made to approve CMPT 2009-0003, Scott Jenkins Memorial Park and forward it to the Board of Supervisors for ratification subject to the plat and with the Findings in the October 15, 2009 Staff Report with changes in Conditions of Approval dated October 15, 2009 to note that there shall be no lights on site to be considered or approved until such time as the poinsettia operation has been abandoned, and also that the park hours of operation shall be from 7:00 AM to 9:00 PM.

A substitute motion was made to forward SPEX 2009-0004, SPEX 2009-0015, CMPT 2009-0003, Scott Jenkins Memorial Park to a Planning Commission worksession. (8-0-1, Brodrick absent).

#### **6. MOTION TO SUSPEND THE RULES**

The Planning Commission voted to suspend the rules and continue meeting past 12:00 PM.  
(8-0-1, Brodrick absent).

**7. ZMOD 2009-0003, Virginia Tire & Auto of South Riding Comprehensive Sign Plan**

**No public comment.**

The Planning Commission forwarded ZMOD 2009-0003, Virginia Tire & Auto of South Riding Comprehensive Sign Plan to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated October 1, 2009 with the amended dated for substantial conformance being October 6, 2009 and with the Findings contained in the October 15, 2009 Staff Report. (7-0-2, Brodrick, Syska absent).

**8. ZMAP 2006-0011, ZCPA 2006-0003, Stone Ridge Commercial**

**Disclosures:**

- a. Ms. Maio spoke with Jeff Nein and Roy Barnett on 10/14/09 regarding the application.
- b. Ms. Chaloux spoke with Roy Barnett regarding the application; spoke with Mike Rhodes, Stone Ridge resident; had a conversation with Tom Walker of VDOT regarding circulation issues.

The Planning Commission forwarded ZMAP 2006-0011, ZCPA 2006-0003, Stone Ridge Commercial to a Planning Commission worksession for further discussion. (7-0-2, Brodrick, Syska absent).